IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.22 OF 2006
IN
CRIMINAL APPLICATION NO.215 OF 2006

Badre Alam Kitabullah Khan. ..Applicant.
Vs.
Pattaraj @ Sababadi Chintambi Nadar
and anr. ..Respondent.

Mr.A.A.Siddique for the Applicant.
Mrs. U.V.Kejriwal, APP. for the State.

CORAM: B.H.MARLAPALLE &
R.S. MOHITE, JJ.
DATE : 23rd February, 2007

P.C.

1. Heard Mr. Siddique, the learned counsel for the applicant-original complainant who has filed Criminal Application No.215 of 2006 praying for leave to appeal but belatedly and hence, this application for condonation of delay,.

2. As per the office note, delay caused is of 14 days and we are satisfied that the same deserves to be condoned.

3. Hence, the application is allowed in terms of prayer clause (b).

(R.S. MOHITE, J.) **(B.H. MARLAPALLE, J.)**

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1. Heard Mr. Siddique, the learned counsel for the applicant who is seeking leave to appeal under Section-378(3) of the Code of Criminal Procedure. However, we have noted that the Sessions Case No.73 of 2005 was by the State and therefore, the said application cannot be entertained. The remedy for the applicant-original complainant is by way of revision under Section-397 of the Code of Criminal Procedure. Hence, the application is disposed off as withdrawn with liberty as available in law.

(R.S. MOHITE, J.) **(B.H. MARLAPALLE, J.)**